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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,589	07/11/2003	Patricia D. Hayden	168/1	3703

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,589

Applicant(s)

HAYDEN, PATRICIA D.

Examiner

Fredrick C Conley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9 and 17 is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 2,3,11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 07/11/03 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7, 10, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,601, 076 to Knobeloch in view of U.S. Pat. No. 3,774,249 to Ybarra et al.

Regarding claim 1, Knobeloch discloses a sleeping mat comprising;

a mat case 20 including top and bottom fabric panels having joined side edges and joined end edges, and said bottom panel defining a lateral opening for receiving a sleeping mat 14 inside said mat case;

a blanket 22 attached to one end of said mat case, and having a free end adapted for covering a user on the sleeping mat. Knobeloch fails to disclose a means for releasably holding the free end of said blanket to said mat case. Ybarra discloses a means 30 for releasably holding the free end of a blanket 26 to a mat case 12. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a means as taught by Ybarra with the sleeping mat of Knobeloch in order to fixedly secure the blanket to the mat case.

Regarding claim 5, wherein said blanket 22 has sufficient width and length to cover the top fabric panel of said mat case when spread.

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Regarding claim 6, wherein said blanket is sewn along a bottom 27 of said mat case from one side of said mat case to the other (col. 3 lines 26-29)(Knobeloch).

Regarding claim 7, wherein the length of said blanket 22 is substantially equal to the length of said mat case (fig 1).

Regarding claim 10, Knobeloch discloses a sleeping mat comprising;

a mat case 20 including top and bottom fabric panels having joined side edges and joined end edges, and said bottom panel defining a lateral opening for receiving a sleeping mat 14 inside said mat case;

a blanket 22 attached to one end of said mat case, and having a free end adapted for covering a user on the sleeping mat. Knobeloch fails to disclose a means for releasably holding the free end of said blanket to said mat case. Ybarra discloses a means 30 for releasably holding the free end of a blanket 26 to a mat case 12. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a means as taught by Ybarra with the sleeping mat of Knobeloch in order to fixedly secure the blanket to the mat case.

Regarding claim 14, wherein said blanket 22 has sufficient width and length to cover the top fabric panel of said mat case when spread.

Regarding claim 15, wherein said blanket is sewn along a bottom of said mat case from one side of said mat case to the other (col. 3 lines 26-29).

Regarding claim 16, wherein the length of said blanket 26 is substantially equal to the length of said mat case (fig 1)(Knobeloch).

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Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,601, 076 to Knobloch in view of U.S. Pat. No. 3,774,249 to Ybarra et al and U.S. Pat. No. 6,654,277 to Marson.

In reference to claims 4 and 13, Knobloch discloses all of the Applicant's claimed limitations except for the lateral opening defined by overlapping bottom and panel sections. Marson discloses a sleeping pad with a lateral opening defined by overlapping bottom panel sections (92a,92b) cooperating to maintain coverage of said mat case over the sleeping mat at said opening. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the overlapping panel sections as taught by Marson with the sleeping pad of Knobloch in order to enclose the chamber receiving the sleeping mat.

Allowable Subject Matter

Claims 2-3 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-9 and 17 are allowed.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2168.

FC



TERI PHAM LUU
PRIMARY EXAMINER